

Honolulu, Hawaii
March 14, 2014

RE: S.B. No. 702
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 702, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE,"

begs leave to report as follows:

The purpose of this measure is to support the efforts of law enforcement in stopping Internet predators and child pornographers from committing Internet crimes against children by:

- (1) Establishing an Internet Crimes Against Children Fee, which shall be assessed against a defendant for each felony or misdemeanor conviction of internet crimes against children;
- (2) Establishing an Internet Crimes Against Children Special Fund (Special Fund) intended to provide training and equipment for law enforcement agencies investigating and prosecuting such crimes; and
- (3) Making an appropriation to the Special Fund.

Your Committee recognizes the pivotal importance of ongoing and extensive training for law enforcement, which was described in detail in testimony received regarding specialized training topics for law enforcement and the importance of up-to-date technology in



tracing the perpetrators of digital crimes against children.
Training topics include:

- (1) How to trace an offender through the Internet protocol address;
- (2) Sex offender characteristics;
- (3) Peer-to-peer network investigations;
- (4) Undercover computer chat techniques;
- (5) Knock-and-talk for child pornography offenses;
- (6) How to examine a computer hard-drive without destroying evidence; and
- (7) Interview and interrogation skills.

Because offenders find new and unique digital avenues through which to victimize children, law enforcement must regularly receive updated training to effectively combat changes in high-technology tactics. Your Committee finds these concerns to be compelling, and encourages further discussion and consideration of this measure as it moves through your Committees on Judiciary and Finance.

The Cyberspace Child Protection Campaign, PROTECT, and Sex Abuse Treatment Center supported this measure. The Department of the Attorney General, Office of the Prosecuting Attorney of the County of Hawai'i, and Office of the Prosecuting Attorney of the County of Kaua'i supported the intent of this measure. The Department of Budget and Finance provided comments on this measure.

Your Committee agrees with testimony on the importance of giving a crime victim's needs priority over collection of other fines and fees, and has thus amended this measure by:

- (1) Specifying that fees ordered to be paid by the defendant shall be made in the order of priority established under section 706-648, Hawaii Revised Statutes;
- (2) Providing that the court may waive the fee if the defendant is unable to pay;



- (3) Directing the Director of Finance to transmit fees collected by the Clerk of the Court into the Internet Crimes Against Children Special Fund; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 702, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 702, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



MELE CARROLL, Chair



HSCR 956-14

Bill/Resolution No.: SB 702 SD2		Committee Referral: HUS, JUD, FIN		Date: 3/11/14	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
HUS Members		Ayes	Ayes (WR)	Nays	Excused
1. CARROLL, Mele (C)		/			
2. KOBAYASHI, Bertrand (VC)		/			
3. BELATTI, Della Au		/			
4. CREAGAN, Richard		/			
5. HASHEM, Mark J.		/			
6. JORDAN, Jo		/			
7. MORIKAWA, Dee		/			
8. OSHIRO, Marcus R.					/
9. WOODSON, Justin H.					/
10. FUKUMOTO, Beth		/			
TOTAL (10)		8			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					